

REMARKS

I. PRELIMINARY REMARKS

Claims 1, 13-15, 17-19, 21, 24, 26-28 and 33-36 have been amended. Claim 32 has been canceled. Claims 37-55 have been added. Claims 1-21, 23-28 and 33-55 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

Applicant notes with appreciation that the Office Action indicated that claims 13, 14, 17-19, 21, 24, 26, 27 and 32-36 would be allowable if rewritten in independent form. As claims 13, 17-19, 21, 24, 26 and 33-36 have been rewritten in independent form,¹ applicant respectfully submits that claims 13, 14, 17-19, 21, 24, 26, 27 and 33-36 are in condition for allowance.

II. CLAIMS 1-12

Claims 1-7, 11 and 12 have been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Schaer patent (U.S. Patent No. 6,522,930) and the Swartz patent (U.S. Patent No. 6,264,654). Claims 8-10 have been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Schaer patent, the Swartz patent, and the Imran patent (U.S. Patent No. 5,957,922).

As now-canceled "objected to" claim 32 (which depended from claim 1) has been rewritten as claim 1, applicant respectfully submits that the rejections of claims 1-12 under 35 U.S.C. § 103 have been rendered moot and that claims 1-12 are in condition for allowance.

¹ Applicant notes that typographical errors were also corrected in the preambles of claims 13, 14 and 26-28.

III. CLAIMS 15, 16, 20, 23, 25 AND 28

A. The Rejection

Claims 15, 16, 20, 23, 25 and 28 have been rejected under 35 U.S.C. § 103 as being unpatentable over the Imran patent. The rejection under 35 U.S.C. § 103 is respectfully traversed with respect to the claims as amended above. Reconsideration thereof is respectfully requested.

B. The Claimed Combinations

Independent claim 15 calls for a combination of elements comprising “a shaft ... including an outer structure,” “at least one energy transmission device supported on the outer structure,” “**a fluid inlet lumen** defined by the outer structure such that **a wall having a wall thickness extends from the fluid inlet lumen to the at least one energy transmission device**” and “a fluid outlet lumen defined by the outer structure and operably connected to the fluid inlet lumen.” The combinations defined by claims 16, 20, 23, 25 and 28 include, *inter alia*, the elements in claim 15.

C. The Imran Patent

The Imran patent discloses an RF apparatus including an elongate member 12 and a conductive sleeve 46 secured to the end of the elongate member. The elongate member 12 includes an inlet lumen 41 and an outlet lumen 42. Referring to Figures 2 and 4, the material that forms the inlet lumen 41 extends beyond the rest of the elongate member 12. The result is an open space, which extends all the way around the inlet lumen 41, between the inlet lumen and the conductive sleeve 46.

Applicant respectfully submits that the Imran patent fails to teach or suggest the combination defined by independent claim 15. For example, there simply is no wall in the Imran apparatus that extends from the inlet lumen 41 to the conductive sleeve 46.

Instead, as illustrated in Figure 4, there is an open space between the inlet lumen 41 and the conductive sleeve 46.

As the Imran patent fails to teach or suggest the combination of elements recited in independent claim 15, applicant respectfully submits that the rejection of claims 15, 16, 20, 23, 25 and 28 under 35 U.S.C. § 103 should be withdrawn.

IV. NEWLY PRESENTED CLAIMS 37-55

Newly presented claims 37-43 depend from independent claim 33 and are patentable for at least the same reasons as independent claim 33.

Newly presented claims 44-50 depend from independent claim 34 and are patentable for at least the same reasons as independent claim 34.

Newly presented claims 51-55 depend from independent claim 35 and are patentable for at least the same reasons as independent claim 35.

V. CLOSING REMARKS

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

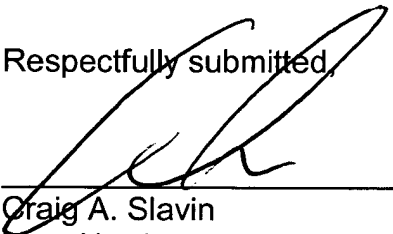
The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such

fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

2/25/07
Date

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Respectfully submitted,



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